

**ASSEMBLY BILL**

**No. 788**

**Introduced by Assembly Member Maldonado**

February 24, 1999

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An act to add and repeal Article 29 (commencing with Section 988) of Chapter 2 of Part 1 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 788, as introduced, Maldonado. Juveniles.

Existing provisions of the Juvenile Court Law authorize the juvenile court to commit any minor adjudged a ward of the court to specified facilities and programs.

This bill would enact a pilot program in up to 3 counties selected by the Judicial Council, at the option of those counties, as provided. The pilot program would apply to juveniles adjudged a ward of the juvenile court by reason of the commission of a nonviolent misdemeanor offense who have never been adjudged a ward of the juvenile court by reason of the commission of any violent offense and who have not attended a victim-offender reconciliation program, and to juveniles who are undergoing specified programs of supervision. The bill would require these juveniles to attend a victim-offender reconciliation program, as specified, perform community service as required, and pay restitution to the victim pursuant to specified provisions. These provisions would be repealed on January 1, 2003. The bill would provide that participation in a pilot program would be

a county option and that the state has no obligation to provide funding for the pilot programs unless funds are appropriated for that purpose.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and  
2 declares as follows:

3 (a) There is a need to preserve existing prison and jail  
4 space for habitual violent offenders to guarantee public  
5 safety.

6 (b) To reach this goal, it is the intent of the Legislature  
7 to create punishment options that fall in a continuum  
8 between traditional probation and traditional  
9 incarceration.

10 (c) It is the intent of the Legislature to promote the  
11 long-term safety and security of the community by  
12 expanding the array of cost-effective sanctions for  
13 holding minors accountable to victims and the  
14 community for their delinquent conduct, and by  
15 enhancing community-based rehabilitation efforts.

16 (d) Crime results in injury to the victim, the  
17 community, and the offender. The criminal justice  
18 system must seek to repair those injuries.

19 (e) In promoting justice, victims and communities  
20 should be actively involved in the criminal justice process  
21 at the earliest point and to the maximum extent possible.

22 (f) Offenders should be held accountable for their  
23 actions. Offenders should face their victim or victims and  
24 make things right. Restitution is a central ingredient, as  
25 is victim-offender reconciliation when appropriate.

26 (g) A nonviolent youthful offender must be taught  
27 that when a crime is committed, it is a crime against a real  
28 victim, not a crime against the state.

29 (h) It is essential that the criminal justice system  
30 support and expand responses to crime which help bring

1 the juvenile offender to a point of remorse after a crime  
2 is committed.

3 (i) The following three objectives are critical for  
4 achieving long-term public safety:

5 (1) Community protection through a continuum of  
6 appropriate responses to delinquent conduct, ranging  
7 from supervision to incapacitation, which protect citizens  
8 and victims from the threat to public safety posed by the  
9 minor.

10 (2) Accountability of the minor through restoration of  
11 the losses experienced by the victim and the community.

12 (3) Competency development of the minor in basic  
13 living skills necessary for law-abiding citizenship.

14 SEC. 2. Article 29 (commencing with Section 988) is  
15 added to Chapter 2 of Part 1 of the Welfare and  
16 Institutions Code, to read:

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18 Article 29. Juvenile Justice Pilot Program

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20 988. This article establishes a pilot program in up to  
21 three counties selected by the Judicial Council, the board  
22 of supervisors of which adopt a resolution agreeing to  
23 participate therein. One county shall have a population  
24 of less than 100,000, one county shall have a population of  
25 not less than 250,000 and not more than 500,000, and one  
26 county shall have a population of over 500,000. This article  
27 shall apply to juveniles adjudged a ward of the juvenile  
28 court pursuant to Section 602 by reason of the commission  
29 of a nonviolent misdemeanor offense who have never  
30 been adjudged a ward of the juvenile court pursuant to  
31 Section 602 by reason of the commission of any violent  
32 offense and who have not previously attended a  
33 victim-offender reconciliation program, and to juveniles  
34 who are undergoing a program of supervision pursuant to  
35 Section 654 or 654.2. Nothing in this article shall be  
36 construed to require victim participation.

37 988.1. Juveniles to whom this article applies shall be  
38 required to do any or all of the following:

39 (a) Attend a victim-offender reconciliation program  
40 that is modeled on existing community conflict resolution



1 programs established pursuant to Title 10.5  
2 (commencing with Section 14150) of Part 4 of the Penal  
3 Code, if appropriate.

4 (b) Perform community service as required, which  
5 may include graffiti abatement and other established  
6 programs and projects that, whenever possible, benefit  
7 the community where the crime was committed.

8 (c) Pay restitution to the victim pursuant to Section  
9 730.6.

10 988.2. Any juvenile justice pilot program established  
11 pursuant to this article shall collect and evaluate data  
12 pertaining to the use, effectiveness, and cost of the  
13 program on an annual basis. The evaluation shall  
14 determine whether the amount of restitution collected  
15 pursuant to subdivision (c) of Section 988.1 is 40 percent  
16 more than the amount collected through juvenile  
17 probation programs and whether the rate of recidivism  
18 is 10 percent less than in juvenile probation programs.  
19 This data shall be submitted annually to the board of  
20 supervisors of the county in which the program operates.  
21 At a minimum, the information collected and evaluated  
22 shall include the following data:

23 (a) The number of offenders and victims participating  
24 in the program.

25 (b) The number of eligible offenders who declined to  
26 participate in the program.

27 (c) The number of victims who declined to participate  
28 in the program.

29 (d) The success of the program, as measured by  
30 reported victim and offender satisfaction, completion of  
31 the program by victims and offenders, and any additional  
32 success factors identified and tracked by the program.

33 (e) The annual operating administrative costs of the  
34 program.

35 (f) A description of the program's operation, including  
36 staffing, volunteers, and any other pertinent information.

37 988.3. After data described in Section 988.2 is  
38 submitted to the board of supervisors, it shall be provided  
39 to the Judicial Council for evaluation. The Judicial



1 Council shall then submit a report to the following  
2 committees and officers of the Legislature:

- 3 (a) Assembly Appropriations.
- 4 (b) Assembly Public Safety.
- 5 (c) Speaker of the Assembly.
- 6 (d) Senate Appropriations.
- 7 (e) Senate Public Safety.
- 8 (f) Senate President pro Tempore.

9 988.4. This article shall remain in effect only until  
10 January 1, 2003, and as of that date is repealed, unless a  
11 later enacted statute, that is enacted before January 1,  
12 2003, deletes or extends that date.

13 SEC. 3. Participation in the pilot programs  
14 established by Section 2 shall be entirely at county option  
15 and shall be funded through federal, state, or private  
16 grants or by appropriations for that purpose. The state  
17 shall have no obligation to provide funding for the pilot  
18 programs unless funds are appropriated for that purpose.

19 SEC. 4. This act is an urgency statute necessary for the  
20 immediate preservation of the public peace, health, or  
21 safety within the meaning of Article IV of the  
22 Constitution and shall go into immediate effect. The facts  
23 constituting the necessity are:

24 In order that our juvenile justice system be improved  
25 and the safety of the public be enhanced at the earliest  
26 possible time, it is necessary that this act take effect  
27 immediately.

